IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

APPLICATION NO.5502 OF 2004
IN
APPLICATION NO.570 OF 2005
WITH
CRIMINAL APPEAL NO.237 OF 2003

State of Maharashtra ..Applicant

Vs.

Santosh @ Sanni Laxman Oval and others ..Respondents

Mr.A.R.Patil,A.P.P. for the Applicant.
None for the Respondent.

CORAM :- DR.S.RADHAKRISHNAN &
SMT.R.S.DALVI,JJ.

DATE : 28TH AUGUST,2007

P.C.

1. Heard the learned A.P.P.for the State. By this Application, the Applicants are seeking the condonation of 49 days delay in filing the above Appeal. The aforesaid Application has been filed in an Application seeking leave to file Appeal against the order of acquittal passed on 27th September,2002 with regard to the offence punishable under Section 307 read with Section 34 of the Indian Penal Code. Though the above Application was filed on 8th December,2004, the learned A.P.P. fairly states that the original Accused No.2 is dead and as far as original Accused Nos.1 and 3 are concerned, till date both the Respondent Nos.1 and 3 have not been served at all in the above. In spite of various

opportunities being given to the State to do so, we find from the Rozanama that not less than 20 times the matter has been adjourned right from 1st February,2005, and till date the State has not taken any steps to serve Respondent Nos.1 and 3. Under the aforesaid facts and circumstances of the case, we dismiss the above Application.

2. In view of the dismissal of the above Application for condonation of delay the Application for seeking leave to file Appeal also stands dismissed.

3. In view of the dismissal of the above Applications, the Appeal also stands dismissed.

(SMT.R.S.DALVI,J.) **(DR.S.RADHAKRISHNAN,J.)**